

Information on civilian court jury duty for members of the armed forces

Armed forces policy is that active duty service members should fulfill their civic responsibility by serving on State and local juries, so long as it does not interfere with military duties. However, you may not be required to serve as a juror due to state or federal law.

If you are called to serve on a California jury, read the instructions carefully. Check the Guide to California Jury Service @ <http://www.courtinfo.ca.gov/jury/index.htm> You may call the phone number on the summons if you have questions. Monterey County sends an "Affidavit of Prospective Trial Juror". Study it carefully. Notice that you are disqualified from serving if you are not domiciled (not a legal resident) in California (block C) or if you are not a resident of the county of Monterey (block D). If you do not meet any of the disqualifications on the affidavit, consider one of the postponement, excuse request, or exemption options.

Beyond local or California provisions, federal law may keep you off a jury. The federal law, 10 USC 982, is a statutory provision exempting active duty military members in certain circumstances and AR 27-40 is the Secretary of the Army implementation:

Sec. 982. Members: service on State and local juries

- (a) A member of the armed forces on active duty may not be required to serve on a State or local jury if the Secretary concerned determines that such service -
 - (1) would unreasonably interfere with the performance of the member's military duties; or
 - (2) would adversely affect the readiness of the unit, command, or activity to which the member is assigned.
- (b) A determination by the Secretary concerned under this section is conclusive.
- (c) The Secretary concerned shall prescribe regulations for the administration of this section.
- (d) In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each territory of the United States.

Army Regulation 27-40 (online @: http://books.usapa.belvoir.army.mil/cgi-bin/bookmgr/BOOKS/R27_40/CCONTENTS) implements 10 USC § 982. AR 27-40, para 10-2 provides:

- a. Active duty soldiers should fulfill their civic responsibility by serving on State and local juries, so long as it does not interfere with military duties.
- b. The following active duty soldiers are exempt from complying with summons to serve on State and local juries:

(1) General officers.

(2) Commanders.

(3) Active duty soldiers stationed outside the United States, Puerto Rico, Guam, the Northern Mariana Islands, American Samoa, and the Virgin Islands.

(4) Active duty soldiers in a training status.

(5) Active duty soldiers assigned to forces engaged in operations.

c. Other active duty soldiers may be exempted from serving on local juries if compliance with such summons would have either of the following effects:

(1) It would interfere unreasonably with performance of the soldier's military duties.

(2) It would affect adversely the readiness of a summoned soldier's unit, command, or activity.

If you are seeking an exemption, postponement, or excuse, you must complete and mail the
Affidavit and any accompanying letter you write to explain your situation within five days to the
Jury Commissioner.